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3 **RESOLUTION 2011-45**  
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5 **A RESOLUTION OF THE VILLAGE OF**  
6 **BISCAYNE PARK, FLORIDA, URGING THE**  
7 **PUBLIC SERVICE COMMISSION TO DENY**  
8 **APPROVAL OF ANY FURTHER “EARLY COST**  
9 **RECOVERY” AND URGING THE FLORIDA**  
10 **LEGISLATURE TO REPEAL THE “EARLY COST**  
11 **RECOVERY” STATUTE RELATING TO**  
12 **ELECTRIC UTILITY CHARGES FOR THE**  
13 **SITING, DESIGN, LICENSING, AND**  
14 **CONSTRUCTION OF NUCLEAR PLANTS;**  
15 **PROVIDING FOR AN EFFECTIVE DATE.**  
16

17 WHEREAS, F.S. 366.93, known as “Early Cost Recovery,” was adopted by The Florida  
18 Legislature in 2006 and provides that utilities may charge customers in advance of operation for  
19 the costs of planning, lobbying for, and constructing nuclear power plants; and  
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21 WHEREAS, the Early Cost Recovery statute provides that the utility may impose and  
22 collect the charge but never actually complete the project, thus charging the rate payer for  
23 improvements and infrastructure they will never actually provide to customers; and  
24

25 WHEREAS, FPL has currently charged, collected from its customers and spent \$268  
26 million in Early Cost Recovery funds and is seeking approval from the Public Service  
27 Commission for an additional \$186 million in 2012 new nuclear-related projects including the  
28 construction of two additional nuclear reactors at Turkey Point in South Miami-Dade, but which  
29 have never received approval for a license by the Nuclear Regulatory Commission; and  
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31 WHEREAS, the additional funds requested by FPL may represent a dramatic increase in  
32 the customer’s monthly bill at a time when consumers are struggling to pay current bills; and  
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34 WHEREAS, FPL executives have stated that nuclear reactors are too expensive to build,  
35 yet FPL continues to collect money from the rate-payers under “Early Cost Recovery” to finance  
36 other infrastructure projects listed under their nuclear Combined Operating License Application;  
37 and  
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39 WHEREAS, publicly traded utilities receiving money from ratepayers under “Early Cost  
40 Recovery” are not obliged to pay back those funds if their nuclear generation projects are not  
41 completed; and  
42

43 WHEREAS, publicly traded utilities receiving money from ratepayers under “Early Cost  
44 Recovery” can and do use those moneys to lobby and litigate against the public to pursue projects  
45 the rate payers oppose; and  
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47 WHEREAS, improvements in domestic energy efficiency are the best energy investments  
48 available, are carbon-free, safe, and can provide more jobs to Floridians than any other energy  
49 investment, but “Early Cost Recovery” monies are not permissible for such investments; and

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2 WHEREAS, nuclear reactors financed through "Early Cost Recovery" have become the  
3 most expensive way to produce electricity; and  
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5 WHEREAS, the nuclear reactor designs currently being financed through "Early Cost  
6 Recovery" have never been deployed and may pose unforeseen risks to citizens of the  
7 Southeastern United States;  
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9 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF**  
10 **THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:**  
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12 **Section 1.** That the Village Commission hereby urges the Florida Public Service  
13 Commission to deny FPL approval of any further Early Cost Recovery funding.  
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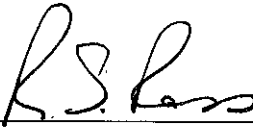
15 **Section 2.** That the Village Commission hereby urges The Florida Legislature to  
16 repeal F.S. 366.93 relating to Early Cost Recovery.  
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18 **Section 3.** This resolution shall take effect immediately upon adoption.  
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20 PASSED AND ADOPTED this 4<sup>th</sup> day of October, 2011.  
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**The foregoing resolution upon being  
put to a vote, the vote was as follows:**


Mayor Ross: Yes  
Vice Mayor Anderson: Yes  
Commissioner Bernard: Yes  
Commission Childress: Yes  
Commissioner Cooper: Yes

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29 \_\_\_\_\_  
30 Roxanna Ross, Mayor  
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32 Attest:

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35 \_\_\_\_\_  
36 Maria C. Camara, Village Clerk  
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38 Approved as to form:  
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40   
41  
42 \_\_\_\_\_  
43 John J. Hearn, Village Attorney